

MDL 1570 PLAINTIFFS' EXECUTIVE COMMITTEES

In re: Terrorist Attacks on September 11, 2001 (S.D.N.Y.)

Plaintiffs' Executive Committee for Personal Injury and Death Claims	Plaintiffs' Executive Committee for Commercial Claims
Ronald L. Motley, (1944-2013) Jodi Westbrook Flowers / Donald A. Migliori, <i>Co-Chairs</i> MOTLEY RICE LLC James P. Kreindler, <i>Co-Chair</i> KREINDLER & KREINDLER LLP	Stephen A. Cozen, <i>Co-Chair</i> Sean Carter, <i>Co-Chair</i> COZEN O'CONNOR
Andrew J. Maloney III, <i>Co-Liaison Counsel</i> KREINDLER & KREINDLER LLP Robert T. Haefele, <i>Co-Liaison Counsel</i> MOTLEY RICE LLC	J. Scott Tarbuton, <i>Liaison Counsel</i> COZEN O'CONNOR

VIA ECF

January 8, 2020

The Honorable Sarah Netburn
Thurgood Marshall United States Courthouse
40 Foley Square, Room 430
New York, NY 10007

RE: *In Re: Terrorist Attacks on September 11, 2001*, 03 MDL 1570 (GBD) (SN)

Dear Judge Netburn:

The Plaintiffs' Executive Committees ("PECs") write at the request of certain plaintiffs who are not parties to, and do not have a direct interest in, the ongoing briefing concerning the *Havlish* plaintiffs' application for creation of a common benefit fund, to confirm the PECs' understanding that any rulings the Court issues in relation to the *Havlish* plaintiffs' present benefit fund application will be without prejudice to any arguments or objections any party might raise to any future benefit fund application, arising from any non-Iran related recovery.

As the Court is aware, the *Havlish* plaintiffs filed an application for creation of a common benefit fund, directed to plaintiffs who had obtained default judgments against the Islamic Republic of Iran. On September 30, 2019, the Court issued an Opinion and Order concerning the *Havlish* plaintiffs' common benefit fund application. ECF No. 5180. Interested parties have since filed motions for reconsideration and/or proposals concerning any common benefit fund established from payments from the United States Victims of State Sponsored Terrorism Fund ("USVSSTF").

Certain plaintiffs who have not sued Iran and do not have a direct interest in the briefing associated with the *Havlish* plaintiffs' present motion for creation of a common benefit fund have requested that the PECs seek clarification that the Court's rulings as to the present common benefit fund application will be without prejudice to any objections or arguments they might raise to any future application for creation of a common benefit fund, from recoveries against defendants other than Iran and sources other than the USVSSTF.

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Given the specific scope and focus of the *Havlish* plaintiffs' common benefit fund application, and parties' briefs and proposals related to same, the PECs believe this proposition to be true without further clarification. However, at the request of certain non-PECs plaintiffs, we are writing to expressly confirm that to be the PECs' understanding for the record. If the Court's views are in accord with those of the PECs on this point, the PECs would respectfully request that the Court issue an endorsement that any resolution of the *Havlish* plaintiffs' present common benefit fund application will be without prejudice to any objections or arguments parties might raise in relation to a future application for creation of a common benefit fund, from recoveries against defendants other than Iran or sources other than the USVSSTF.

Respectfully submitted,

KREINDLER & KREINDLER, LLP

MOTLEY RICE LLC

By: /s/ James P. Kreindler

By: /s/ Robert T. Haefele

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*On behalf of the MDL 1570 Plaintiffs' Exec.
Committees*

*On behalf of the MDL 1570 Plaintiffs' Exec.
Committees*

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*On behalf of the MDL 1570 Plaintiffs' Exec.
Committees*

cc: The Honorable George B. Daniels (via ECF)
All Counsel of Record (via ECF)